

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD STORMS,  
Plaintiff,

v.

COUNTY OF MONTEREY,  
Defendant.

Case No. 20-cv-07913-NC

**ORDER TO SHOW CAUSE  
WHY DEFENDANT SHOULD  
NOT BE JUDICIALLY  
ESTOPPED FROM  
CONTRADICTING ITS  
PREVIOUS CONCESSIONS**

In its Opposition to Plaintiff's Motion for Partial Summary Judgment, Defendant conceded that: (1) Plaintiff was qualified for his job, with or without accommodation, during all relevant periods of time, and (2) the April 26, 2019, Formal Notice of Discipline is an adverse employment action. From the pretrial filings, it appears that Defendant intends to relitigate these issues. But "[t]ruth is not a weather vane. It does not veer when the winds of self-interest change." *Dep't of Transp. v. Coe*, 112 Ill. App. 3d 506, 507 (Ill. Ct. App. 1983). Accordingly, Defendant is ORDERED to show cause, in court on **August 8, 2022**, why it should not be judicially estopped from presenting evidence and arguments contrary to its previous concessions.

**IT IS SO ORDERED.**

Dated: August 5, 2022

  
NATHANAEL M. COUSINS  
United States Magistrate Judge